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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,557	04/27/2001	Shawn Gettemy	PALM-3633.US.P	3025

7590

07/09/2004

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EXAMINER

BELL, PAUL A

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 07/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,557

Applicant(s)

GETTEMY ET AL.

Examiner

PAUL A BELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The finality of the rejection of the 3/29/2004 Office action is withdrawn. Note the amendment dated 6/01/2004 has been entered.

Claim Objections

2. Claims 7, 15 and 16 are objected to because of the following informalities:

Claim 7 has the phrase "approximately **dqual**". It this a misspelling for "equal".

Appropriate correction is required.

Claims 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7, 9, 10 , 11, 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9-11 recites the limitation "said frame" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is not clear are you referring to the carrier frame or some other frame.

Claim 12 uses the phrase "a plurality of frame contacts" this language is not clear is this frame the carrier frame.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon (6,229,695) in view of Nishimura (3,914,021) and in further view of the combination applicants admitted prior art and Carlson (4,432,733).

With regard to claim 7 Moon teaches a hand held device comprising a touch panel display (figure 2, item 60) and a carrier frame (figure 2, item 40), said carrier frame comprising at least one frame contact for establishing contact with a touch panel, said frame contact having an upper end and a lower end (since figure 2 item 40 has a lot of points of contact at the upper side and lower end side it reads on this broad language); wherein said upper end resides at least in part within the touch panel display mounting surface of said carrier frame (figure 2, items 60 and 40) and said lower end is electrically accessible by circuits resident within the confines of said carrier frame (figure 2, items 70, 72 and 74).

Moon does not teach that his frame contact is a, "electrically conductive frame contact".

Nishimura teaches, a frame with an, "electrically conductive frame contact" for the display (See Nishimura figure 3, items 54, 57, and 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Moon apparatus to have frame contacts that are electrically conductive because Nishimura teaches motivation for doing this (See Nishimura abstract, column 1, lines 25-40, lines 54-58).

The combination of Moon and Nishimura does not illustrate details such as; "said touch panel display comprising a visible non-transparent conductive pattern adjacent to a visible adhesive dielectric spacer, wherein said visible non-transparent conductive pattern and said adhesive dielectric spacer have an approximately equal visual homogeneous appearance". In fact Moon lacks any details of his "touch screen technology" item 60 (SEE Moon column 5, line 39) and therefore It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Moon and Nishimura to use the specific touch panel taught by the combination of applicant's admitted prior art and Carlson (SEE the rejection of claim 13 below for an illustration of the combination of applicants admitted prior art and Carlson) because simply Moon lacked details on how to do construct the touch panel and the combination demonstrated a way that cost less as opposed to other ways of doing it and gave other motivation reasons for doing it below.

With regard to claim 8 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson teaches the hand held device of claim 7 wherein said carrier frame comprises a dielectric insert block (See Moon figure 2 item 50).

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With regard to claim 9 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson teaches the, hand held device of claim 8 wherein said carrier frame contact comprises a mental (See Moon figure 2, item 48).

With regard to claim 10 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson teaches the hand held device of claim 7 wherein said frame contact is press fit into said carrier frame (See Moon figure 2 illustrates parts that are press fitted together).

With regard to claim 11 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson teaches the hand held device of claim 7 wherein said frame contact is molded into said carrier frame (See Moon figure 2 illustrates one solid structure for part 40 therefore it reads on molded).

With regard to claim 12 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson teaches the hand held device of claim 7 comprising a plurality of frame contacts distributed over said touch panel display mounting surface (See Moon figure 2, item 60 and 40 show many contact points).

With regard to claim 13 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson was shown below to read on all of these limitations.

With regard to claim 14 the combination of Moon / Nishimura / Applicants admitted prior art and Carlson meet all these limitations see claim 7 above.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in 09/844,557 in view of Carlson (4,432,733).

With regard to claim 13 applicant's admitted prior art teaches a hand held device comprising: a touch panel display (figure 1), said touch panel display comprising: a visible non-transparent conductive pattern (figure 2, items 21-24 "visible" a broad feature because when the part is by its self or partially assembled it is obvious the human eye can see it) adjacent to a visible adhesive dielectric spacer (figure 1, item 11 "visible" again a broad feature because when the part is by its self or partially assembled it is obvious the human eye can see it).

Applicant's admitted prior art does not illustrate the change or difference, "wherein said visible non-transparent conductive pattern and said adhesive dielectric spacer have an approximately equal visual homogeneous appearance".

Carlson clearly illustrates the same concept of a "approximately equal visual homogeneous appearance" between two materials. For example column 1, lines 38-41 Carlson states;

"The conductor terminals are also preferably hidden by printing the template in the window area with ink of the same color as the terminals."

And further Carlson in column 3 lines 40-50 states;

"It is preferred that the template 30 be partially overprinted at least in the area of the window 54 with non-conductive ink of a color to camouflage the conductors 34, 40, 42. For example, if the conductive ink is black, the other ink will also be black in the spaces between the conductors. The user of the device will therefore not be as aware of the various conductors or the conductors will be substantially camouflaged. "

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify applicants admitted prior art to have the prior art visible non-transparent conductive pattern and the prior art adhesive dielectric spacer have an approximately equal visual homogeneous appearance" as taught by Carlson because Carlson teaches this well known practice lowers production cost for printed circuit boards (column 1, lines 14-15). And in addition to the sufficient motivation already given there are two more sufficient motivational reasons. For example, the prior art teaches a Bezel or a Faceplate is commonly used for aesthetics reasons to cover up the non-transparent conductive pattern and the adhesive dielectric spacer at the perimeter. The changes made on applicant's admitted prior art at the suggestion of Carlson would give the manufacture the option of deleting the bezel thereby making the non-transparent conductive pattern and adhesive dielectric spacer visible to the user when fully assembled for use, because a bezel was no longer essential to the operation of the handheld device the option of deleting the bezel would lower total cost of the device. The second additional reason is that by making the conductor and spacer the same color it provides camouflage against reverse engineering.

8. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Moon (6,229,695) / Nishimura (3,914,021) / Applicants admitted prior art / Carlson (4,432,733) as applied to claims 7-14 above and further in view of Muramatsu (6,191,838).

With regard to claims 15 and 16 (duplicate claims) the combination of Moon (6,229,695) / Nishimura (3,914,021) / Applicants admitted prior art / Carlson (4,432,733)

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does not illustrate the assembly detail, "wherein said electrical contact to said touch panel display is established using an anisotropic conductive film" although it is obvious that some conventional way is used to establish electrical contact.

Muramatsu teaches that it is a standard conventional practice to use anisotropic conductive film (ACF) or solder when making electrical contact with displays (SEE Muramatsu column 7, lines 10-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Muramatsu ACF means of making good electrical contact in the combination of Moon / Nishimura / Applicants admitted prior art / Carlson because the previous combination did not tell how it did it and the ACF means is much more desirable than the other labor intensive soldering method choice.

With regard to claim 17 the combination of Moon / Nishimura / Applicants admitted prior art / Carlson / Muramatsu teaches the handheld device of claim 15 wherein said carrier frame further comprises a protective rim (SEE Moon figure 2, item 20).

With regard to claim 18 the combination of Moon / Nishimura / Applicants admitted prior art / Carlson / Muramatsu teaches the handheld device of claim 17 wherein said touch panel display is a near field imaging display (Its obvious that a handheld device is considered near field).

With regard to claim 19 the combination of Moon / Nishimura / Applicants admitted prior art / Carlson / Muramatsu teaches the handheld device of claim 15,

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wherein said touch panel display is a resistive touch panel display (See applicants admitted prior art).

With regard to claim 20 the combination of Moon / Nishimura / Applicants admitted prior art / Carlson / Muramatsu teaches the handheld device of claim 19, wherein said carrier frame further comprises a protective rim (SEE Moon figure 2, item 20) .

Response to Arguments

9. Applicant's arguments with respect to claims 7-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor
(Receptionist).

Paul Bell

Paul Bell

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July 1, 2004

Regina Liang
REGINA LIANG
PRIMARY EXAMINER